

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**BOBBY MORRISON,**

**Plaintiff,**

**v.**

**JOHN DOE,**

**Defendant.**

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**Civil Action No. 7:23-cv-103-O**

**NOTICE OF DEFICIENCY AND ORDER**

The Court has construed Plaintiff's correspondence as a new civil rights action. In order to proceed with this action, Plaintiff must either pay the **\$402.00** filing and administrative fees or submit a request to proceed *in forma pauperis* on the District Court's Application form along with a certified inmate trust account statement. *See* 28 U.S.C. § 1915(b) (requiring prisoners proceeding *in forma pauperis* to make periodic filing fee payments).

Additionally, Plaintiff's complaint must be submitted on the Court's prisoner civil rights form as required under Miscellaneous Order No. 14 (N.D. Tex.). Therefore, Plaintiff must file an "Amended Complaint" on the Court's form. He must name each Defendant and set forth the factual basis of his claims against each Defendant.

The **Clerk of Court** shall send Plaintiff, two prisoner civil rights forms and two *in forma pauperis* applications with the case number, **7:23-cv-103-O**, written on the first page of each form. Plaintiff shall complete one copy of each form and return the completed forms to the Clerk for filing.<sup>1</sup> Plaintiff may complete and keep one copy of each form for his records. Plaintiff shall cure the deficiencies as directed above by **October 24, 2023**.

If Plaintiff did not intend to file a lawsuit at this time, he may file a "**Notice of Dismissal**" within 21 days and the case will be administratively closed without the assessment of a filing fee. Failure to comply with this order may result in dismissal of the case without further notice.

**SO ORDERED** this **3rd day of October, 2023**.

  
\_\_\_\_\_  
Reed O'Connor  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> If Plaintiff is paying the full **\$402.00** filing fee at this time, he should not file the *in forma pauperis* form or the certified inmate trust account statement.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**

\_\_\_\_\_  
Plaintiff's Name and ID Number

\_\_\_\_\_  
Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

\_\_\_\_\_  
Defendant's Name and Address

\_\_\_\_\_  
Defendant's Name and Address

\_\_\_\_\_  
Defendant's Name and Address  
( DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of **\$402.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides “... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee.” See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

#### **CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked “**NOTICE TO THE COURT OF CHANGE OF ADDRESS**” and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

#### **I. PREVIOUS LAWSUITS:**

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? \_\_\_ YES \_\_\_ NO
- B. If your answer to “A” is “yes,” describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: \_\_\_\_\_
  2. Parties to previous lawsuit:  
Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_
  3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_
  4. Cause number: \_\_\_\_\_
  5. Name of judge to whom case was assigned: \_\_\_\_\_
  6. Disposition: (Was the case dismissed, appealed, still pending?) \_\_\_\_\_
  7. Approximate date of disposition: \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT: \_\_\_\_\_

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? \_\_\_\_YES \_\_\_\_NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: \_\_\_\_\_

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Defendant #2: \_\_\_\_\_

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Defendant #3: \_\_\_\_\_

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Defendant #4: \_\_\_\_\_

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Defendant #5: \_\_\_\_\_

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

\_\_\_\_\_  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

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VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

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VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

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B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

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VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? \_\_\_\_YES \_\_\_\_NO

B. If your answer is “yes,” give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):\_\_\_\_\_

2. Case number:\_\_\_\_\_

3. Approximate date sanctions were imposed:\_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_YES \_\_\_\_NO

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES \_\_\_\_\_ NO
- D. If your answer is “yes,” give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)
1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
  2. Case number: \_\_\_\_\_
  3. Approximate date warning was issued: \_\_\_\_\_

Executed on: \_\_\_\_\_  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF’S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(Day) (month) (year)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS**  
\_\_\_\_\_ **DIVISION**

\_\_\_\_\_  
Plaintiff's Name and ID Number

\_\_\_\_\_  
Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

**APPLICATION TO PROCEED IN FORMA PAUPERIS**

\_\_\_\_\_  
Defendant's Name and Address

I, \_\_\_\_\_, declare, depose, and say that I am the Plaintiff in the above entitled case. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay in advance the filing fee for said proceedings or to give security for the filing fee. I believe I am entitled to relief.

I further declare that the responses which I have made to questions and instructions below are true.

1. Have you received, within the past 12 months, any money from any of the following sources?

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| a. Business, profession or form of self-employment? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Rent payments, interest or dividends?            | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Pensions, annuities or life insurance payments?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Gifts or inheritances?                           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Family or friends?                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| f. Any other sources?                               | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered **YES** to any of the questions above describe each source of money and state the amount received from each during the past 12 months.

\_\_\_\_\_  
\_\_\_\_\_

2. Do you own cash, or do you have money in a checking or savings account, including any funds in prison accounts? ☐ Yes ☐ No

If you answered **YES**, state the total value of the items owned.

\_\_\_\_\_  
\_\_\_\_\_

3. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property, excluding ordinary household furnishings and clothing?
- ☐ Yes ☐ No

If you answered **YES**, describe the property and state its approximate value.

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**I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury. I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct (28 U.S.C. § 1746).**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
ID Number

**YOU MUST ATTACH A CURRENT SIX (6) MONTH HISTORY OF YOUR INMATE TRUST ACCOUNT. YOU CAN ACQUIRE THE APPROPRIATE INMATE ACCOUNT CERTIFICATE FROM THE LAW LIBRARY AT YOUR PRISON UNIT (OR OTHER DESIGNATED LOCATION AT YOUR INSTITUTION).**



**CERTIFICATE OF INMATE TRUST ACCOUNT**

I, the undersigned authorized officer of the \_\_\_\_\_  
(name of institution)  
where \_\_\_\_\_, Inmate ID No. \_\_\_\_\_, is confined  
(name of inmate)  
as a prisoner, do hereby certify that:

(1) On this day the prisoner has in his account the sum of \$ \_\_\_\_\_.

(2) During the past six months, the prisoner's:

Average monthly balance was \$ \_\_\_\_\_.

Average monthly deposits to the prisoner's account were \$ \_\_\_\_\_.

Attached is a certified copy of the prisoner's trust account statement (or institutional equivalent)  
showing transactions for the past six months.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Institution of Confinement

**Authorization**

I, the undersigned inmate, authorize the institution where I am incarcerated to withdraw and forward to the court any initial partial filing fee or appeal fee and any subsequent installments ordered by a Court under the *in forma pauperis* provisions of 28 U.S.C. § 1915.

\_\_\_\_\_  
Signature of Prisoner/Plaintiff/Appellant  
Inmate ID No. \_\_\_\_\_